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Georgia. Laws, Statutes, &c
ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF GEORGIA,

PASSED AT MILLEDGEVILLE,

AT AN EXTRA SESSION,

IN APRIL AND MAY,

1821.

PUBLISHED BY AUTHORITY.

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ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA

PASSED AT MILLEDGEVILLE,

At an Extra Session in April and May. 1821.

AN ACT

To dispose of and distribute the lands lately acquired by the United States for the use of Georgia, of the Creek Nation of Indians, by a treaty made and concluded at the Indian Spring, on the eighth day of January, eighteen hundred and twenty-one; and to add the Reserve at Fort Hawkins to the county of Jones.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That the territory acquired of the Creek Nation of Indians by the United States for the use of Georgia, as described in articles of a treaty, entered into, and concluded between Commissioners on the part of the United States, & the chiefs, headmen and warriors of the Creek Nation of Indians, at the Indian Spring, on the eighth day of January, eighteen hundred and twenty-one, shall form, and be divided into five counties, as follows, to-wit: All that part of said territory which lies south of a line commencing on the Ocmulgee river, opposite the town of Hartford, and running due west to the Flint river, shall form one county, to be called Dooley.

All that part of said territory lying between a line commencing on the Ocmulgee river opposite Fort Hawkins, and running due west to Flint river, and the line first above described, shall form one other county to be called Houston.

All that part of said territory lying between the last mentioned line, and a line commencing at the Seven Islands, on the Ocmulgee river. and running due west forty miles, thence due south to the Flint river, shall form one other county, to be called Monroe.

All that part of said territory which lies west of the last mentioned

line and a line commencing at the corner of Monroe county, as above described, and running north to the Chattahoochee, shall form one other county to be called Fayette.

All that part of said territory which lies east of the last mentioned line, running from the corner of Monroe county, to the Chattahoochee, shall form one other county, to be called Henry.

Sec. 2. *And be it further enacted by the authority aforesaid*, That each of the counties herein before laid out and described, shall be divided into districts of nine miles square, as near as practicable, the district lines running parallel to the lines dividing counties, and crossed by other lines at right angles, and said districts so laid out, shall be again subdivided by lines to be run in like directions into square tracts, containing each *two hundred two and a half* acres, marked and numbered according to the plan heretofore pursued, under the instructions of the Surveyor General.

Sec. 3. *And be it further enacted*, That the fractionable parts of surveys which may be created by the divisions and subdivisions aforesaid, shall be reserved for public uses, to be disposed of as a future Legislature may direct.

Sec. 4. *And be it further enacted*, That a number of Surveyors equal to the number of districts shall be appointed by joint ballot of the Legislature in one general ticket; and the person having the highest number of votes, shall be entitled to the first choice of districts, and in the same order, agreeably to the number of votes each Surveyor may receive; and in case of a tie between any number of Surveyors, then preference in choice shall be decided by lot in presence of the Surveyor General.

Sec. 5. *And be it further enacted*, That ten persons shall be appointed by joint ballot of the Legislature, neither of whom shall be a District Surveyor, to run and plainly mark the several district and county lines herein before directed, whose duties shall be apportioned by the Surveyor General, as nearly equal as practicable—and that no ticket shall be counted, unless it contains the names of ten persons.

Sec. 6. *And be it further enacted*, That no ticket for District Surveyors shall be counted unless it contains as many names as there are districts. Any person elected a Surveyor who shall fail to perform the duties of his office, as required by the provisions of this act, shall be considered as forfeiting his bond, and himself and his securities immediately liable therefor.

Sec. 7. *And be it further enacted*, That the Surveyors respectively, shall give bond in the sum of ten thousand dollars, to the

Governor and his successors in office, with such security as he, or a majority of the Justices of the Inferior court of the county, in which such Surveyor may reside, shall approve, conditioned for the faithful performance of the duties required of them, by this act. which bond shall be deposited in the Executive office.

Sec. 8. *And be it further enacted*, That it shall be the duty of the Surveyors appointed in pursuance of this act, to make the Surveys of the counties and districts, to which they may be appointed, in their own proper person, to mark, or cause to be marked plainly & distinctly upon trees, if practicable, otherwise on posts, all corners and stations & all lines which they may be required to run for the purpose of making the surveys of their respective counties and districts, immediately upon being required so to do by the Surveyor General, to cause all such lines to be measured with all possible exactness, with a half chain containing thirty three feet, divided into fifty equal links, which shall be adjusted by the Surveyor General, according to the standard in his office; to take as accurately as possible the meanders of all water courses which shall form natural boundaries to any of the surveys; to note in field books to be kept by them respectively, the names of the corners and station trees, which shall be marked and numbered under the direction of the Surveyor General; also, all rivers, creeks and other water courses which may be touched upon or crossed, in running any of the lines aforesaid; transcripts of which field books, after being compared with the originals by the Surveyor General; and certified and signed on every page by the Surveyor returning the same, shall be deposited in the Surveyor General's office, and become a record; and the District Surveyors shall make a return of their surveys and works within ninety days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered all lots and fractions of said district, and waters therein delineated as the Surveyor General may direct; and also return at the same time a detached plat of each lot and fraction which said district may contain, certified & signed by such Surveyor; which plat shall be filed among the records of the Surveyor General's office and from which copies shall be taken to be annexed to grants; and said surveyors shall conform to such instructions as they may receive from time to time from the Surveyor General during their continuance in office; *Provided*, The same do not militate against this act..... And the Surveyors appointed to lay out county and district lines, shall make return of their works to the Surveyor General within sixty days after the passage of this act.

Sec. 9. *And be it further enacted*, That the District Surveyors to be appointed by this act, shall receive two dollars and fifty cents for every mile that shall actually be run or surveyed, as a full compensation for the duties required of them by this act, out of which they shall defray the whole of the expenses incident to their offices; and his Excellency the Governor is hereby authorized and required to issue his warrant on the Treasury, in favor of each of the aforesaid Surveyors, upon his being called into service, to the amount of three hundred dollars, to enable him with the less delay to enter upon his duties; and the balance to which such Surveyor may be entitled, shall be paid to him in like manner, upon his producing a certificate from the Surveyor General, setting forth a performance of the work, and the amount due.

Sec. 10. *And be it further enacted*, That the Surveyors who may be appointed to run County and District lines, shall receive three dollars and a half for each mile they may run and survey, as a full compensation for their service, out of which all incidental expenses shall be paid; and the Governor is required to issue his warrant on the Treasurer, in favor of each of said Surveyors, for the sum of three hundred dollars, upon their being called into service, and in like manner to pay any balance which may be due, when the work is completed and the Surveyor General shall certify the same.

Sec. 11. *And be it further enacted*, That the territory acquired as aforesaid, shall be disposed of and distributed, in the following manner, to wit: After the surveying is completed and returns made thereof, his Excellency the Governor shall cause tickets to be made out, whereby all the numbers of Lots in the different Districts intended to be drawn for, shall be represented, which tickets shall be put into a wheel and constitute prizes. The following shall be the description and qualification of persons entitled to give in their names for a draw or draws, under this act: every male white person of eighteen years of age and upwards, being a citizen of the United States at least three years, and an inhabitant of this state, three years immediately preceding the passage of this act, including such as have been absent on lawful business, shall be entitled to one draw; every male person of like description, having a wife or legitimate male child or children under the age of eighteen years, or unmarried female child or children, shall have two draws; all widows with like residence shall be entitled to one draw; all families of orphans resident as aforesaid, under the age of twenty-one years, except such as may be entitled in their own right to a draw or draws, whose father is dead, shall have one draw. All families of orphans consisting of more than two, who

have neither father nor mother living, shall have two draws, but if not exceeding two, then such orphan or orphans shall be entitled to one draw, to be given in in the county & district where the eldest of said orphans resides, or where the guardian of the eldest resides: *Provided*, that should such guardians or such orphan or orphans, or the eldest of such orphans, reside within the newly acquired territory contemplated by this act, then such draw or draws shall be given in in the nearest adjoining county, within the organized limits of this state, to that in which such guardian may reside, or such orphan or orphans, or the eldest of such orphans may reside. All widows of like residence, whose husbands were killed or died in the service of the country in the late wars against Great Britain or the Indians, shall be entitled to a draw, exclusive of that otherwise allowed by this act to widows. All orphans whose fathers were killed or died in the service of the country, in the late wars against Great Britain or the Indians, shall be entitled to a draw, exclusive of that otherwise allowed by this act to orphans; *Provided*, That nothing herein contained, shall be so construed as to entitle any person or persons to a draw or draws in the present contemplated Land Lottery, who may have been fortunate drawers in any previous Land Lottery: *Provided*, that the citizens of this state who come under this act as above contemplated, and who volunteered, or were legally drafted in the late war against Great Britain or the Indians, and refused to serve a tour of duty either in person or by substitute, or who may have deserted from the service of this state, or of the United States, shall not be entitled to the provisions of this act as above contemplated, nor any of those who illegally avoided a draft by removal or otherwise; and that no person or persons who have removed from the organized limits of this state, for the purpose of avoiding the laws of this state, or who have absconded for debt, shall in no wise be benefited by this act, and who have not paid all taxes required of them. In case any land is drawn by minors, the grant shall issue accordingly, upon payment of the usual fees.

Sec. 12. *And be it further enacted*, That nothing herein contained, shall be so construed as to allow any convict in the Penitentiary to give in for a draw in the present contemplated lottery: *Provided nevertheless*, That the child or children, who have resided in this state three years, of any of said convicts, shall be entitled to a draw or draws, in the same manner they would be entitled if they were orphans, and may be given in for by their mother or other person under whose care they may be, and the grant or grants shall issue accordingly to any lands so drawn.

Sec. 13. *And be it further enacted*, That lists of persons entitled to draws under this act, shall be made out by the Inferior court of each county or such persons as they may appoint, (not exceeding two to each battalion) within two months from the publication of this act; and said Inferior courts of the several counties of this state, or the persons they may appoint, shall attend in each captain's district, as often as necessary, giving ten days notice of such attendance, for the purpose of taking in the names of persons entitled to draws; the names of the persons entitled shall be entered by the receivers in a book to be kept for that purpose, a transcript of which book, fairly made out, shall be transmitted to the Executive, and the original deposited with the clerks of the Superior court of the respective counties; and should the Inferior court of any county, fail to take in such names themselves, or to make the proper appointments by the first day of July next, then the Clerk of the Superior court, (or his legal deputy in his absence) in such county, may make such appointments; and said receivers, before they enter upon their duties, shall take and subscribe the following oath: "I——, do solemnly swear (or affirm) that I will not receive or register any name, except the person giving in shall first take the oath prescribed by this act; so help me God!" Wh'ch oath any Justice of the Inferior court or any Justice of the Peace, is hereby required to administer, and the person or persons taking in names as aforesaid, shall administer to all applicants for draws, other than widows, guardians or next friends of orphans, the following oath to wit: "I do solemnly swear (or affirm) that I have been three years a citizen of the United States, & have resided in this state three years immediately preceding the passage of this act except absent on lawful business, and am now an inhabitant of the same; that I was eighteen years of age at the time of the passing of this act; that I have (or have not) a wife and child or children; that I have not given in my name for any draw or draws in the present contemplated land lottery in any other part of the state; that I have not drawn a tract of land in the former lotteries in my individual capacity, or as an individual orphan, and that I did not directly or indirectly evade the service of this state or of the United States in the late wars against Great Britain or the Indians;" and all those who reside in the newly acquired territory, and who, in contemplation of this act, is entitled to a draw or draws, shall take the following oath, in addition to the one last mentioned..... "That I have paid all taxes required of me, that I have not withdrawn myself from the organized limits of this state, for the purpose of evading the laws, nor have I absconded for debt;".....and all guardians or next friends of orphans, or chil-

dren of convicts in the Penitentiary, shall take the following oath.... "And that the orphan or family of orphans, or the child or children whom I now return is (or are) entitled to a draw or draws under this act, to the best of my knowledge, so help me, God!" The following oath shall be administered to all widows..... "I do solemnly swear (or affirm) I am a widow, that I have resided the three last years in this state, except absent on lawful business, and am now resident in this district, that I have not put in my name for a draw in the present lottery in any other part of the state, and that I have not drawn land in the former lotteries, to the best of my knowledge and belief, so help me God." That all idiots and lunatics entitled to a draw or draws by this act, shall be given in for by their respective parents or guardians, who shall take the following oath: "I——, do solemnly swear (or affirm) that the person whose name I now give in, is an idiot or lunatic, that he is eighteen years of age or upwards at the time of the passage of this act and entitled to a draw or draws under this act, that he has not drawn land in any of the former land lotteries of this state in his name, or as an individual orphan, so help me God."

Sec. 14. *And be it further enacted*, That immediately after the passage of this act, his Excellency the Governor, shall cause the outlines thereof to be published in such of the public Gazettes of this state as he may think proper, and shall require all persons entitled to draws to give in their names to the persons authorized to receive them, and said persons taking in said names shall receive twenty five cents from each of said applicants for each draw.

Sec. 15. *And be it further enacted*, That if any person entitled by this act, to a draw or draws, should by absence or other unavoidable cause, fail to give in his name within the time herein prescribed, it shall and may be lawful for such person to make oath of the draw or draws to which he may be entitled, before any Justice of the Inferior court of the county in which he may reside, and make return thereof to the Executive, at any time within one week before the commencement of the drawing; and it shall and may be lawful, for any person or persons, who are entitled to a draw or draws in said lottery, who are about leaving the state on lawful business, to take the oath prescribed by this act, and deposit the same in the clerk's office of the county where such person or persons may reside, and their names shall be registered according to the provisions of this act: *Provided*, such person shall swear that he intends to return, and remain a citizen of this state.

Sec. 16. *And be it further enacted*, That five persons shall be appointed by joint ballot of the Legislature, to superintend the

drawing of the lottery, to be convened at Milledgeville, by the Governor, when necessary, and that wherever this act imposes duties on the Governor, Surveyor General, Surveyors, Receivers of names, or Commissioners, such duties shall be severally performed with as little delay as possible, consistently with a due execution of this act.

Sec. 17. *And be it further enacted*, That as soon as said lists are made out and returned, his Excellency, the Governor, for the purpose of carrying the lottery into effect, shall cause the names of persons entitled to draws, together with other designating remarks of residence, &c. to be placed on tickets as nearly similar as possible, which shall be deposited in one wheel, and the prizes on tickets of the like description shall be deposited in another wheel, which prizes shall consist of all square lots in said territory not herein reserved....and from each wheel as nearly at the same time as may be, a ticket shall be drawn and delivered to the superintending managers, and so on until the whole number of prizes are drawn out, and said managers shall make due and particular entry of the names so drawn out, and the prizes corresponding therewith, said names and prizes being first thoroughly mixed in their respective wheels....and his Excellency the Governor is required to give three weeks notice of the commencement of the drawing.

Sec. 18. *And be it further enacted*, That should there be more districts than is contemplated by this act, and surveyors elected for, or in case the appointment of any surveyor should become vacant by death, resignation or otherwise, his Excellency the Governor is required to fill said vacancy....and in case any surveyor shall be found incompetent, or fail to execute the duties required of him by this act, his office shall be vacant, and his vacancy filled in like manner.

Sec. 19. *And be it further enacted*, That the Surveyors to be appointed in pursuance of this act, shall, before they enter upon their duties, take and subscribe the following oath: "I———, do solemnly swear (or affirm) that I am twenty one years of age, that I will well & faithfully, to the best of my skill and abilities, discharge the duties which may be required of me as Surveyor in the territory lately acquired, so help me God".....which oath the Surveyor General is required to administer. The oath to be administered to chainmen by their respective Surveyors shall be as follows...."I do solemnly swear (or affirm) that to the best of my skill and judgment, I will measure all lines on which I may be employed as chain carrier, as accurately and with as little deviation from the course pointed out by the Surveyor as possible, and give a true account of the same to the Surveyor, so help me God;" and similar oaths

shall be administered by the said Surveyors to all axemen and markers.

Sec. 20. *And be it further enacted*, That all persons who may draw lands under this act, shall be entitled to receive grants for the same, conveying fee simple titles on paying into the treasury of this state the sum of nineteen dollars for each tract so drawn and granted; and any person drawing, and failing to take out his grant within two years from the date of said draw, shall forfeit the land so drawn, and the same shall revert to the state. That all returns made contrary to the true intent and meaning of this act, are declared to be fraudulent; and all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent return, are hereby declared to be null and void; and the land so granted or drawn, shall revert and become the property of the state; and the question of fraud may be tried upon scire facias, to be issued from under the hands of the Clerks of the Superior Courts of the county or counties in which the land lies, in the name of the Governor of said state for the time being, upon the application of any individual against the tenant in possession of the land alleged to be fraudulently drawn, or against the drawer thereof setting forth the circumstances of fraud in said scire facias specially, and upon the return of said scire facias with an entry thereon of service effected by any Sheriff of any county of this state, by leaving a copy thereof with the person named as defendant, or at his or her notorious place of abode, or by a return of such Sheriff, that the defendant is not to be found, upon which return the Court is authorized to have service perfected by an order for a three months publication in one or more of the public Gazettes of this state, which rule, when duly published, shall be considered as sufficient service to authorize an issue to be made up under the direction of the Court to try the question of fraud:....And in case the jury shall find the return fraudulent, the Court shall by judgment pronounce the grant issued on such return and draw to be void, and order it cancelled, which judgment, when transmitted to the Surveyor General's Office and Secretary of State's Office and entered of file there, shall be of sufficient authority to those officers to cancel the plats and grants for such fraudulent draws from their Offices respectively: And the land when condemned, shall belong one half to the state, and the other half to the informer, & subject to be laid off between the informer and the state by writ of partition to be issued under the direction of the Superior court of the county in which the land lies; & to the proceedings of said writ of partition on behalf of the State, it shall be the duty of the Solicitors in the respective Circuits to attend: And when the said lands are so laid off, the informer shall be entitled to a plot

and grant for his share, upon the payment of the legal office fees: *Provided nevertheless*, that no return made by or in behalf of any orphan or orphans shall be pronounced fraudulent until his, her or their legal guardian shall have been made a party to the scire facias, or other discreet person appointed by the Court in which the case is tried, to defend the case for the said orphan or orphans: *And provided also*, The proceedings under this section take place within seven years from the date of the drawing.

Sec. 21. *And be it further enacted*, That no case after being commenced as aforesaid by scire facias shall be settled or compromised by the informer or otherwise disposed of to the prejudice of the state, and in case it is, said land shall be liable to be returned by any other informer in manner above prescribed, and division made thereof accordingly.

Sec. 22. *And be it further enacted*, That the Reserve at Fort Hawkins, and a reserve of like extent on the opposite side of the Ocmulgee river, commencing on the Upper Federal Road, crossing at Fort Hawkins, and lying below the same, be set apart for the state, to be disposed of as a future Legislature may direct.

Sec. 23. *And be it further enacted*, That all the territory on the east side of the Ocmulgee river, known by the name of the Reserve be, and the same is hereby added to the county of Jones.

Sec. 24. *And be it further enacted*, That all Reserves which are recognized in the treaty aforesaid, except those which are now or may hereafter, (before the running of the land) be abandoned by the Indians, shall be exempt from the operations of this law, and that the Surveyors within whose districts they may fall shall make fractions adjoining thereto, if the making of square tracts is found to be impracticable; and so soon as the Reserves recognized in this section shall be abandoned by the Indians, after the land is disposed of as above contemplated, then said Reserves shall be set apart and disposed of by a future Legislature for the purpose of educating poor children.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 15th May, 1821.

JOHN CLARK, Governor.

AN ACT

To prevent the establishment of Lottery Offices, and the sale of Lottery tickets in the state of Georgia.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That immediately from and after the passing of this act, it shall be unlawful for any person or persons to establish or open an office for the purpose of selling or vending Lottery tickets in the state, except in such lotteries as may be authorized by the laws thereof; and any person or persons convicted of buying or selling any Lottery ticket, or part or share of a Lottery ticket, not authorized by the state, shall forfeit a sum not exceeding one hundred dollars for every ticket thus bought or sold, to be recovered by information or indictment in the Superior court of the county where the said offence against this act may be committed; which amount, to go to the benefit of the free-school fund. And it is hereby enjoined on all magistrates, notary publics and other officers, to give information against all such as are found violating the provisions of this act.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To indemnify the creditors of fortunate drawers in the several Land Lotteries of this state, in taking out the grants for the land which shall have been, or may be drawn by such fortunate drawers.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, in all cases where there shall be a subsisting judgment against any person or persons who has drawn, or may draw a lot or lots of land, and no other property can be found, it shall be lawful for the judgment creditor to take out the grant or grants for such tract or tracts of land, so that the same may be subject to such judgment, and the cost of taking out such grant or grants, shall be by the officer levying on such land

charged on the bill of costs, which shall be paid next in order after the costs which may have already accrued.

Sec. 2. *Be it further enacted by the authority aforesaid*, That when any fortunate drawer in any of the Land Lotteries of this state shall place himself in such situation that his property would be subject to attachment, and no other property can be found, it shall and may be lawful for any creditor of such fortunate drawer to take out the grant or grants of such fortunate drawer, so as to subject the land so drawn to the process of attachments; and the cost of taking out such grant, shall, after judgment, be by the proper officer taxed in the bill of costs, and shall be charged and payable in the manner pointed out in the first section of this act; *Provided*, That the creditor shall in all cases produce to the proper officer a receipt or certificate from the Treasurer of this state, specifying that such creditor has paid the grant fees.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

Supplementary to An Act to authorize certain Commissioners to sell and dispose of the Fractional parts of Surveys lying in the counties of Appling, Irwin, Early, Telfair, Walton, Gwinnett, Hall, Habersham and Rabun.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That the Commissioners appointed by virtue of the before recited act, in the discharge of their duty in exposing to sale the Fractions in the several counties aforesaid, shall not sell or dispose of any Fractional Survey in the county of Appling on dry lines, for a less sum than fifty cents per acre, and on water courses, for a less sum than two dollars per acre; in the county of Irwin, on dry lines, for less than fifty cents per acre, and on water courses for a less sum than two dollars per acre; in the county of Early for less than two dollars per acre; in the county of Telfair for a less sum than two dollars per acre; in the county of Walton on dry lines, for a less sum than one dollar per acre, and on water courses for a less sum than two dollars per acre; in the county of Gwinnett, on dry lines, for a less

sum than one dollar per acre, and on water courses for a less sum than two dollars per acre; in the county of Hall, on dry lines, for a less sum than fifty cents per acre, and on water courses, for less than two dollars per acre; in the county of Habersham, on dry lines, for a less sum than fifty cents per acre, and on water courses, for less than two dollars per acre; in the county of Rabun, on dry lines, for a less sum than fifty cents per acre, and on water courses, for less than two dollars per acre.

Sec. 2. *And be it further enacted*, That any Fractional Surveys which may remain unsold at the Commissioners' sale aforesaid, and which may be in the possession or cultivation of any tenant or tenants, may by said Commissioners be rented to said tenant or tenants, for one year from the time of said sales, for such sum as said Commissioners may consider reasonable, securing the same by bond and security. And said Commissioners are further authorized and required to collect or secure the payment of any rent which may be demandable from said tenants, accruing previous to said sales.

DAVID WITT,
Speaker of the House of Representatives,

MATTHEW TALBOT,
President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To repeal the fourth section of An Act, passed 19th December, 1816, to prevent the circulation of notes emitted by unchartered Banks, and the issuing of due bills of certain descriptions, and to compel the chartered banks of this state to resume specie payments whenever the Bank of the United States, and the banks of the adjacent states shall commence specie payments; and also to require of them to redeem their notes under five dollars with specie or change bills issued by some one of the chartered banks.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That the reasons which induced the passage of the aforesaid fourth section of the above recited act, having long since ceased to exist, and its operation being found only to benefit persons calling

themselves Brokers and Lottery ticket sellers, to the great injury of the chartered banks of the state, the same be, and is hereby fully repealed to all intents and purposes, any law to the contrary notwithstanding; *Provided nevertheless*, That nothing in this act contained, shall be so construed as to authorize said banks to refuse the payment of specie.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To alter and fix the time of holding the Superior Courts in the Eastern and Ocmulgee Judicial Circuits of this state, so far as respects the sitting of said courts in the counties of Effingham, Wayne and Wilkinson.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the times of holding the Superior courts in the county of Effingham, in the Eastern Circuit of this state, shall be on the Monday after the said courts are held in the county of Bulloch, in said Circuit.

Sec. 2. *And be it further enacted by the authority aforesaid*, That immediately after the passing of this act, the time for holding the Superior courts for the county of Wayne, in the Eastern Circuit, shall be on the third Monday in March in the Spring term annually.

Sec. 3. *And be it further enacted by the authority aforesaid*, That the Fall Term of the Superior courts in the county of Wilkinson, in the Ocmulgee Circuit, shall in future commence on the Wednesday after the first Monday in October.

Sec. 4. *And be it further enacted by the authority aforesaid*, that all persons, papers, suits, bonds, or other papers or things made returnable to the Superior courts as before, shall be made

returnable to these courts, and are by this act made legal and lawful, any law, usage or custom to the contrary notwithstanding.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To alter and amend the 42d section of an act, to revise and consolidate the Militia laws of this state, and to repeal the Cavalry laws now in force.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the forty second section of the before recited act, which is in the following words, to wit: That not more than one company of horse, one of artillery and one company of riflemen, (each to consist of not less than forty, nor more than one hundred, exclusive of officers) shall be attached to each regiment, except in the cities of Savannah and Augusta, where there shall be no restrictions so as to prevent the existence of any number of Volunteer corps, or any number of men in each company, exceeding the number above mentioned, shall be altered and amended so as to read in the following words: That not more than one company of horse, one of artillery, and one company of riflemen, (each to consist of not less than forty nor more than one hundred, exclusive of officers) shall be attached to each regiment, except in the cities of Savannah, Augusta, Darien, and town of Louisville and county of Liberty, where there shall be no restrictions so as to prevent the existence of any number of Volunteer corps, or any number of men in each company.

Sec. 2. *And be it further enacted by the authority aforesaid,* That all laws, or parts of laws, militating against this act be, and the same are hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

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AN ACT

Supplementary to, and amendatory of an act, passed the twentieth day of December, one thousand eight hundred and twenty, entitled an act, to appropriate money for the political year 1821.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of one hundred and ten thousand dollars be, and the same is hereby appropriated as a land fund, subject to the orders of the Governor.

Sec. 2. *And be it further enacted,* That the following sums of money be appropriated to the persons, and for the purposes hereinafter mentioned, viz: To the Messengers and Door-keepers of the Legislature, four dollars each per day, during the session; to Mary Flournoy, fifty dollars, agreeably to a concurred and approved resolution; to Alexander Greene, ten dollars; for scouring, brushing, and preparing the Senate and Representative Chambers for the called session of the Legislature; to the Clerk of the committee on the State of the Republic, ten dollars; which several sums shall be, and the same are hereby appropriated, out of any monies in the Treasury not otherwise appropriated.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 15th May, 1821.

 JOHN CLARK, Governor.

AN ACT

To incorporate the McIntosh county Female Assylum.

WHEREAS a number of Ladies in the county of McIntosh have associated themselves, and formed a Society for the very humane, charitable and laudable purposes of protecting, relieving and instructing orphan children of their own sex in said county, and have applied to be incorporated;

Therefore be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That all such persons of the female sex as now are, or hereafter shall become annual subscribers to the said association shall be, and are hereby constituted a body corporate and body politic in fact, and in name, by

the denomination of the McIntosh county Female Assylum, in the county of McIntosh, and by that name shall have perpetual succession, and be in law capable of suing and being sued, defending, and being defended in all courts of law and places, and in all manner of actions and cases whatsoever; and may have a common seal, and change the same at their pleasure, and shall by that name and style be capable in law of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the estates and concerns of the said corporation shall be managed, directed and disposed of by a board of Trustees, to be composed of a first and second Directress, a Treasurer, Secretary and as many Trustees as may be necessary, to be elected by a plurality of ballots of the members resident in the county of McIntosh, being annual subscribers as aforesaid, and present at such elections yearly, at such place in said county, and at such time as the Board of Trustees may from time to time by ordinance or otherwise appoint and of which, public notice shall be given; and if any vacancy shall be occasioned by the death, resignation, removal or otherwise, of any one of the said board, the same shall be filled for the remainder of the year by such person or persons, being annual subscribers aforesaid, as the Board of Trustees for the time being, or the major part shall appoint; and for the present the Board of Trustees shall be as follows, viz:....Mrs. Agnes McIntosh, first Directress; Mrs. Semor Smith, second Directress; Mrs. Catharine King, Mrs. Ann Cunningham and Mrs. Margery S. Kell, Trustees; and that a majority of said board shall be requisite to transact business; and in case the First or Second Directress give non-attendance, the members present may appoint a Directress pro tem.

Sec. 3. *And be it further enacted*, That the said board shall at least at every yearly election, exhibit to the members of the said corporation, an exact account of the receipts and disbursements of the preceding year.

Sec. 4. *And be it further enacted*, That the said board may from time to time make bye-laws, ordinances and resolutions relative to the management and disposition of the estate and concerns of the said corporation, and the regulation of the persons exercising the offices aforesaid, not contrary to law; and may appoint such other officers, agents and servants as they may deem necessary to transact the business of said corporation and designate their duties.

Sec. 5. *And be it further enacted*, That all laws and parts

of laws militating against this act be, and the same are hereby repealed.

DAVID WITT,

Speaker of the House of Representatives

MATTHEW TALBOT,

President of the Senate

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

For the relief of Austin, otherwise called Austin Dabney, a Freeman of colour.

WHEREAS, by an act of the General Assembly of the state of Georgia, passed on the fourteenth day of August, 1786, it is stated that the said Austin, during the revolution, instead of advantaging himself of the times to withdraw himself from the American lines and enter with the majority of his color and fellow-slaves in the service of his Britannic Majesty, and his officers and vassals, did voluntarily enrol himself in some one of the corps under the command of Col. Elijah Clark, and in several actions and engagements behaved against the common enemy with a bravery and fortitude which would have honored a freeman; and in one of which engagements he was severely wounded and rendered incapable of hard servitude; and policy as well as gratitude, demand a return for such services and behavior from the Commonwealth; and it was further stated in said act, that said Austin "should be entitled to the annuity allowed by this state, to wounded and disabled soldiers." And the said Austin having petitioned the Legislature for some aid in his declining years, and this body considering him an object entitled to the attention and gratitude of the state he has defended, and in whose service he has been disabled;

Sec. 1. *BE it enacted by the Senate and House of Representatives in General Assembly met, and it is hereby enacted by the same, That* the lot or fraction of land situate, lying and being in the county of Walton, in the first district, and known and distinguished by number two hundred and eighty four, containing one hundred and twelve acres, be the same more or less, be and the same hereby is conveyed and transferred to the said Austin during the period of the natural life of him the said Austin Dabney.

Sec. 2. *And be it further enacted, That* the Austin Dabney be, and he is hereby entitled to a plat for the same.

Sec. 3. *And be it further enacted*, That the lot and number above named is, and shall be exempted from the contemplated sale of Fractions in said county, authorized by an act at the annual session of the Legislature, in the year 1820.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To alter and amend an act, entitled an act, to incorporate the Independent Presbyterian Church of the city of Darien.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the act, entitled an act, to incorporate the Independent Presbyterian Church of the city of Darien, as relates to the term, "Independent," be stricken out and the word "First" be substituted in its place, so as to read, First Presbyterian Church of the city of Darien.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

For the relief Silas Overstreet, Tax Collector for Tatnall county.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That immediately after the passage of this act, all proceedings or executions issued by the Treasurer of this state against Silas Overstreet, Tax Collector for the county of Tatnall, and his security or securities for the four last years, 1817, 1818, 1819 and 1820, are

hereby stayed until the meeting of the next Legislature, any law to the contrary notwithstanding. *Provided*, That good and sufficient additional security shall be given within thirty days from the passage of this act, to be judged of by the Inferior court of Tatnall county, for the eventual payment of the same.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To authorize the Grand and Petit Jurors of the counties of Appling and Walton who were fined at March and April Terms, 1821, to render their excuse on or before the first day of the next term of said Courts.

WHEREAS, at March term 1821, of the Superior court of the county of Appling, and at April term of the Superior court of the county of Walton, many of the Grand and Petit Jurors of said counties were fined for non-attendance, and owing to the situation of the county, the time required by law for their rendering their excuse had expired before they knew of their having been fined, and of the provisions of the law on the subject;

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That the said jurors who have been fined as aforesaid, or any of them who may have any reasonable or legal excuse for their non-attendance at said courts, be permitted to file with the clerks of the Superior courts of said counties, their excuse on oath in writing, on or before the first day of the next term of said courts, and such excuse, when so made, may be received, heard, and acted on by the Judge of said courts at the next term, as though the said excuse had been rendered within the time required by law.

Sec. 2. *And be it further enacted*, That all proceedings against said defaulters be stayed until the next term of said courts.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To repeal An Act, to authorise the Justices of the Inferior court of Glynn county to levy an extra tax, for the purpose of building a Jail in said county.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the act passed on the 13th day of December, 1819, to authorise the Justices of the Inferior court of Glynn county to levy an extra tax for the purpose of building a Jail in said county be, and the same is hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

Appropriating the fines and forfeitures arising from criminal prosecutines in the county of Lincoln, to the use and benefit of the Academy of said county.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same,* That from and after the passing of this act, that all fines and forfeitures arising from prosecutions on the criminal side of the court of said county, and also all other penalties and forfeitures, whether arising from bonds to prosecute, or bonds for the appearance of any offender or any other violation of the penal statute of this state, within the said county of Lincoln be, and the same is hereby vested in the Commissioners of said county Academy, and any money arising from any forfeitures as aforesaid, the officer or person holding the same is directed to pay the same within one month after the reception thereof to the Commissioners of said Academy, to be applied to the use and benefit of said county Academy; *Provided*, that all cost arising from said prosecution be first paid.

Sec. 2. *And be it further enacted,* That where any vacancy in the Commissioners of said county Academy (as designated by resolution of the present session and this act,) shall happen the Commis-

sioners in office may appoint some other person within the county to fill such vacancy.

Sec. 3. *And be it further enacted*, That John M. Dooley is hereby appointed a Commissioner of said county Academy, in addition to those appointed by resolution aforesaid, and any three of said Commissioners shall be sufficient to form a board.

Sec. 4. *And be it further enacted*, That the said Commissioners shall annually make a report to the Grand Jury of the said county, of the monies drawn and applied as herein before specified, to be filed in the clerk's office of the Superior court.

Sec. 5. *And be it further enacted*, That all laws and parts of laws militating against this act be, and the same are hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To amend An Act, entitled an act, to appoint Commissioners for the better regulating and government of the Village of Salem, and for incorporating the same, passed 24th November, 1818.

WHEREAS the limits of said Village are not by said act well defined....for remedy whereof;

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the limits of said Village shall extend from the centre thereof, an half mile in all directions.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To authorize the Justices of the Inferior court of Camden county to draw Grand and Petit Jurors in certain cases.

WHEREAS at the last term of the Superior court of Camden county, March Term, 1821, there was a failure of said court,....for remedy whereof,

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the Justices of the Inferior court, or any three of them, together with the Clerk and Sheriff of said county, shall convene at the court-house of said county at least sixty days previous to the sitting of said court, and proceed to draw Grand and Petit Jurors for the next succeeding term, and the said clerk of the Superior court shall immediately after the drawing of juries as herein provided, make out lists of the juries so drawn, and place the same in the hands of the Sheriff or deputy of said county, who shall proceed immediately after receiving the same, to summon the juries so drawn, in the same manner as if they had been drawn at the regular term of said court, and the said jurors so drawn and summoned, shall be bound and liable to serve in the same manner, and under the same penalties as if drawn at the regular term of said court, any law to the contrary notwithstanding,

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To cede to the United States jurisdiction over Marsh Island for the purpose of erecting Beacons.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the Congress of the United States shall have and maintain jurisdiction

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in, and over Marsh Island, situate and lying in the county of McIntosh, a little to the east of Doboy Island, for the purpose of erecting a Beacon or other purposes.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To authorize the Justices of the Inferior court and Court of Ordinary of the county of Wilkes to hold an extra session of said court.

WHEREAS there is likely to be a failure of the Inferior court and Court of Ordinary for the county of Wilkes, on the first Monday in the present month, from the recent death of Benjamin Porter, esq. one of the Justices of the said courts, and two of the Justices of said courts being members of this present Legislature, and cannot attend on the said first Monday. And whereas, inconvenience is likely to result from the failure of said courts....for remedy whereof;

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same,* That the Justices of the Inferior court and Court of Ordinary for the county of Wilkes be, and they are hereby authorized and empowered to hold an extra session of an Inferior court and Court of Ordinary for the county of Wilkes, on the first Monday in June next, and that all officers of said courts be bound to attend on the said first Monday in June.

Sec. 2. *And be it further enacted,* That all suitors, jurors and witnesses are bound to attend said Inferior court under the same penalties and like restrictions as they were bound to attend on the said first Monday in May. And that the jury drawn to serve at the court on the said first Monday in May for the said county of Wilkes, be considered held and taken as the jury for the term to be holden in pursuance of this act.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To convey to the Trustees of the Milledgeville Academy four Lots of ground.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the square of Lots, Number Sixty-nine in the town of Milledgeville be, and the same is hereby conveyed to the Trustees of the Milledgeville Academy and their successors in office, to be held, improved, and used by them as a site for an Academy, and for no other purpose.

Sec. 2. *And be it further enacted,* That whenever said lots herein conveyed shall be abandoned by said Trustees for the purposes aforesaid, they shall revert to, and become the property of the state.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To alter and amend An Act, entitled an act, to give Master Carpenters and Master Masons a Lien on buildings erected by them in the City of Savannah, passed 15th December, 1820.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all Master Carpenters and Master Masons who shall erect a building or buildings in the City of Savannah, (whether there are contracts in writing or parol for so doing, shall have full power and authority to retain the keys of said building or buildings) until the amount or amounts due them for erecting said building or buildings is, or are fully paid and satisfied.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said Master Carpenters and Master Masons for their work aforesaid, shall have a lien on said building or buildings, and the said building or buildings is, or are hereby declared to be liable in every event to them, until the said amount or amounts due them for erecting the same is, or are paid and satisfied.

Sec. 3. *And be it further enacted by the authority aforesaid,* That so much of the aforesaid act, as militates with this act be, and the same is hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To legitimate and change the name of Bolan Andrews, to that of Bolan Roberts.

BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That the name of Bolan Andrews be, and is hereby changed to that of Bolan Roberts, and that he is hereby declared to be fully and completely legitimated and entitled to all the rights and legal privileges that he would have been, had he been born in lawful wedlock, and be fully capable of taking and inheriting, and receiving all manner of property by virtue of the statutes of distribution of this state, to all intents and purposes, any law to the contrary notwithstanding.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To authorize the Justices of the Inferior court of Burke county to sell a certain lot of land in the town of Waynesboro', on which the old Court-house is situated, and make titles to the same.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same,* That from and immediately after the passing of this act, the Justices of the Inferior

court of Burke county, or a majority of them shall be, and they are hereby authorized to sell and dispose of a certain lot of land belonging to said county, in the town of Waynesborough, on which the old Court-house is situated, and to make and execute a deed in fee simple to the purchaser; which money arising from such sale, shall be paid over to the Clerk of the Inferior court of said county for county purposes; and that previous to such sale, the said Justices shall give at least twenty days public notice in three or more public places in said county, and at the court-house.

Sec. 2. *And be it further enacted*, That all laws or parts of laws, militating against this act be, and the same are hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

To empower the Trustees of the Independent Presbyterian Church of Savannah to sell the real estate belonging to the same, and to amend an act, entitled, "An Act, to amend an act, to incorporate the Presbyterian Church of the City of Savannah."

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That the body corporate created, and the Trustees appointed under and by virtue of the aforesaid acts, shall be entitled and styled "the Trustees of the Independent Presbyterian Church of Savannah." And all acts done, and all deeds, testaments, gifts, grants, conveyances and contracts which have been or shall be made, executed or entered into by, with, or to them, under or by the said name or style, or by any other name or style which shall describe the said corporation or Church, or efficiently to ascertain the intention of the parties, shall be as good and valid in law, as if the said corporation had been correctly described therein.

Sec. 2. *And be it further enacted by the authority aforesaid*, That the said Trustees be, and they are hereby authorized and empowered to sell and dispose, in fee simple or otherwise, of any real estate belonging to the said Church or corporation, the

half tytheing whereon the new Presbyterian Church or Meeting house is situate, excepted, for the purpose of paying the debts now due and owing by the said corporation.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, militating with this act be, and they are hereby repealed.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

AN ACT

For the relief of Allen Hesters.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same it is hereby enacted*, That the Justices of the Inferior court of Montgomery county, or a majority of them, if they think proper so to do, are hereby fully authorized and empowered to relieve and discharge the above named Allen Hesters from the payment of a judgment entered up against him as security for the appearance of one Alexander Faircloth, at a Superior court of said county, in the year eighteen hundred and seventeen, upon payment of cost.

DAVID WITT,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

Assented to, 16th May, 1821.

JOHN CLARK, Governor.

RESOLUTIONS,

WHICH ORIGINATED IN THE SENATE.

In Senate, 9th May, 1821.

The committee to whom was referred the presentations of the Grand Juries of Greene and Hancock counties, Report,

That whereas it is the undoubted right of the good people of this state, whenever they shall think fit, to alter and change the fundamental compact by which they are associated; and it hath been represented to this Legislature, that great numbers of the citizens of the said state are desirous of altering the Constitution thereof..... And whereas it is the duty of the Legislative body to give effect to the public will, when the same shall have been correctly ascertained;

BE it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it shall be the duty of the magistrates who shall preside at the elections for members of the General Assembly in the several counties of this state, at the next general election, to receive and register the votes of the persons voting at the said election, on the propriety of calling a Convention for the purpose of revising the Constitution of this state; and to this end the said magistrates are hereby required, upon receiving the vote of each and every individual, to enquire whether it is the will of such voter, that a Convention for the purpose aforesaid shall be called or not, and to record the answer to such enquiry upon the ticket given in by such voter; by writing thereon according to the truth of the fact, the word "Convention," which shall indicate the will of the voter, that a Convention shall be called, or the words, "No Convention," which shall indicate the will of such voter, that such Convention shall not be called.

And be it further resolved, That it shall be the duty of the magistrates aforesaid to make a correct return of the votes so taken as aforesaid, to the Governor of this state within thirty days after the said election, to be by him submitted to the next Legislature, to the intent, that they may make provision for calling a Convention, if a majority of the citizens of this state shall require the same to be done.

And be it further resolved, That His Excellency the Gov-

error be, and he is hereby requested to have the foregoing resolutions published in the Gazettes of this state for three months before the next general election, and pay for the same out of the contingent fund.

Approved, 16th May, 1821.

In Senate, 15th May, 1821.

WHEREAS the Executive has laid before the Legislature at its present session, documents relating to the ascertainment and liquidation of certain claims in behalf of some of the citizens of this state against the Creek Nation of Indians, from which it appears that the restrictions and limitations imposed on the Commissioner of the United States, appointed by the President to hear and determine said claims, will be subversive of right, and defeat the ends of justice ;

Be it therefore resolved, That His Excellency the Governor do forthwith communicate with the Secretary of War, with a view to obtain an enlargement of the authority which has been delegated to William P. Preston, esquire, the Commissioner on the part of the United States.

Resolved further, That this Legislature object to the instructions to Mr. Preston;

1st. Because they confine him in his jurisdiction to such claims as originated subsequently to the treaty of New-York in 1790, except in relation to negroes agreed to be restored by the 3d article of that treaty. The Legislature insists that the provision be extended so as to embrace all property taken or destroyed at any previous period before the making of said treaty, indemnity having been guaranteed by the provisions of the treaties of Augusta, Galphinton and Shouderbone, and the reference lately made, embracing all claims of whatever nature or kind prior to 1802.

2d. Because said instructions go to the exclusion of claims resting against the Seminolie tribe. These are recognized and treated as belonging to the Creek Nation; a part of the territory which they occupied has been conveyed by treaty to the United States, and the Creeks, properly so called, claim title to the whole of the soil.

3d. Because they exclude claims accruing between the treaty of Colerain in '96, and that of Fort Wilkinson in 1802, except such as are provided for by the 2d article of the latter. The terms of reference and the treaty of 1821, allow no such exclusions.

4th. Because the instructions exclude claims for depredations

committed during the periods of hostility, if not provided for in the treaty which followed such hostilities. The instructions require that claims thus accruing should have not their provision by immediate treaty, and at the same time virtually deny the right to treat at all, by paying total disregard to all treaties previous to that of New-York in 1790.

5th. Because they exclude claims originating in acts prohibited by the laws. The Legislature knows not whether any such exist. If they do, they should be provided for on the ground, that by such depredation, the citizen has been injured, and the Nation benefited, and the exigency is embraced in the terms of the reference.

6th. Because they furnish an unrighteous standard by which the claimants damages are to be estimated. The value of the property at the time of the convention, and no allowance for increase or hire, is a new rule, illy comporting with justice as practised even by "civilized" nations. Demands have been made from time to time upon the Nation, its Agent, and the United States, and if satisfaction has been neglected or refused, where ought the loss occasioned thereby properly to fall?

7th. Because they direct a strictness of evidence, which will narrow down the rightful claims of our citizens to a limit, which justice will not warrant, or reason approve. The oath of the individual claiming is required: with his property he may have lost his life. The oath of another disinterested witness is demanded: such witness may not exist. The officer administering the oath must certify the credibility of the deponent. It may not be known to him.

8th. Because they reject the evidence taken in solemn form, under the laws of the state, which now remains of record, and ought to be more respected. This was taken at a time when witnesses were alive, and facts more susceptible of proof, and entitled to the more credit, as the prospect of satisfaction was even then remote, and inducements to misrepresentation consequently lessened.

9th. Because in said instructions, sufficient effect is not given to the treaty lately concluded at the Indian Springs. That provides a release and discharge of said Nation, from all claims other than to the amount of 250,000 dollars. The sum claimed and now evidenced by the records and archives of the state greatly exceeds the above limit. The proceedings pending the negotiation, the treaty itself, and the construction given to it by the Indians furnish the inference that a liquidation was meant and intended, and that

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the sum aforesaid is admitted to be due. This inference is the more obvious, and the more consistent with justice too, when we connect with it the fact, of the long standing of the claims, and the reduction which was made.

Approved, 17th May, 1821.

In Senate, 2d May, 1821.

WHEREAS by an act of the Legislature of the State of Georgia, passed in the year 1792, one thousand pounds was set apart out of the proceeds of sales of confiscated property, for county Academy purposes. And whereas no part of that sum has been received for the aforesaid purposes on the part of the county of Lincoln. And whereas the citizens of the Village of Lincolnton, (in the aforesaid county) and its adjacent neighborhood, from the great advantages that necessarily result from the establishment of public seminaries have, at their own private expence, erected a building near the said Village for an Academy.

Be it therefore resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That in future the aforesaid building shall be considered and known as the public Academy of the said county of Lincoln.

And be it further resolved, That Rem Remson, Peter Lamar, Lewis Stovall, Stephen Stovall and William C. Stokes be, and they are hereby appointed Commissioners of said Academy, and they and their successors in office, to procure and agree with proper Masters and Professors for the teaching, instructing and ruling the same; and to institute such bye-laws, rules and regulations for the better governing said Academy, as to the said Commissioners may appear best adapted for the purposes aforesaid.

And be it further resolved, That the Commissioners of said Academy are authorised to receive any funds that are now due, or hereafter may be appropriated for the benefit of said county Academy, and distribute the same for the benefit and use of said Academy.

Approved, 8th May, 1821.

In Senate, 4th May, 1821.

Resolved, That the Treasurer of this state be, and hereby is requested to lay before each branch of the legislature, with as little delay as his convenience will permit, a statement exhibiting the amount of monies in the Treasury on the 30th day of April last. The amount of Warrants drawn on and taken up at the treasury

since his last annual report. The gross amount of the proceeds of the sales and rents of all the Fractional parts of surveys, and lands reserved or reverted to the State by virtue of the laws heretofore passed, making disposition of acquired territory; and also the amount which has been paid into the Treasury in discharge thereof, and the amount of disbursements incidental to the collection and depositing the same.

Approved, 8th May, 1821.

In Senate, 4th May, 1821.

The joint committee on printing report, that they have contracted with Messrs. Camak and Hines for the printing of one hundred and fifty copies of the Land Lottery bill, as reported to the House of Representatives, for the sum of fifteen dollars; to be printed on foolscap with margins and blanks, to be ready for delivery this morning.

Approved, 16th May, 1821.

In Senate, 7th May, 1821.

Resolved, That the joint committee appointed to contract for printing be, and they are hereby requested to contract for the printing of 150 copies of the bill for distributing the late acquisition of land obtained from the Creek Indians, as it may be passed by the House of Representatives, for the use of the Senate and House of Representatives.

Approved, 16th May, 1821.

In Senate, 8th May, 1821.

The joint committee appointed to contract for printing the Land Bills as it passed the House of Representatives, report, that they have contracted with Messrs. Camak and Hines to print 150 copies of the Land Bill as it passed the House of Representatives, for the sum of ten dollars.

Approved, 16th May, 1821.

In Senate, 11th May, 1821.

The joint committee on printing report, that they have contracted with Messrs. Camak and Hines for printing one hundred and fifty copies of the Treasurer's Abstract, agreeably to a concurred resolution, for the sum of forty dollars.

Approved, 16th May, 1821.

In Senate, 11th May, 1821.

Resolved, That the joint committee to contract for printing the

RESOLUTIONS, &c.

Laws and Journals of the last session of the Legislature, do contract for the printing the usual number of the Laws and Journals of the present session.

Approved, 16th May, 1821.

In Senate, 15th May, 1821.

The committee appointed to contract for printing the Laws and Journals of the present session, report, That they have contracted with Messrs. Grantland and Orme for printing the Laws and Journals of the present session, on the same terms that Messrs. Camak and Hines printed the Laws and Journals of the last session; that is to say, 2 1-8 cents per sheet for Laws, and 2 1-4 cents per sheet for the Journals.

Approved, 16th May, 1821.

RESOLUTIONS,

Which originated in the House of Representatives.

In the House of Representatives,

Wednesday, 2d May, 1821.

Resolved, That His Excellency the Governor be authorised and requested to have published in the news-papers printed in Milledgeville, Augusta and Savannah, the extract from the instructions of the Department of war, to James P. Preston, esq. Commissioner, appointed by the President of the United States, to adjust the claims of the citizens of Georgia under the late Treaty with the Creek Nation of Indians, as contained in his communication of the 30th ultimo.

Approved, 7th May, 1821.

In the House of Representatives,

Wednesday, 2d May, 1821,

The committee to whom was referred the petition of Mrs. Mary Flournoy, have had the same under consideration, and find the facts therein stated, to be supported by evidence, and recommend the following resolution :

Resolved, That the Treasurer of this state be directed to pay to Mrs. Mary Flournoy, or to her order, the sum of fifty dollars, being the amount of taxes paid by her on eighty shares of Stock in

the Planter's Bank of the State of Georgia, for the years 1819 and 1820; which taxes she was not by law liable to pay, the State having received through the medium of the Bank the taxes upon the same Stock.

Approved, 7th May, 1821.

In the House of Representatives,
7th May, 1821.

WHEREAS considerable sensation appears to be manifested by some portion of the community, relative to the employment and disposition by the Executive of the Public Funds of this State, for the purpose of contributing to the successful termination of the late treaty held with the Creek Indians; And whereas this Legislature and our fellow-citizens generally, ought to have correct information upon the subject, in order that justice may be done;

Be it therefore resolved, That His Excellency the Governor be required to lay before this House, all the correspondence in the Executive Department relative to the said treaty, together with a statement of the amount expended by the Commissioners on the part of this state.

Approved, 11th May, 1821.

In the House of Representatives,
Wednesday, 9th May, 1821.

Resolved, That the printing committee be directed to cause to be printed, as soon as practicable, 150 copies of the Treasurer's Abstract, for the use of the members of the Legislature.

Approved, 12th May, 1821.

In the House of Representatives,
Thursday, 10th May, 1821.

Resolved, That the Executive appointment of Col. William A. Dunham, as a Commissioner of the river Alatomaha, in place of Col. John P. Blackman resigned, be, and the same is confirmed.

Approved, 12th May, 1821.

In the House of Representatives,
Friday, 11th May, 1821.

WHEREAS it is understood that the Creek and Cherokee Nations of Indians are desirous to make certain cessions of their territory, by which the settlements of Georgia, Alabama and Tennessee would become connected, and thereby greatly facilitate the personal and commercial intercourse and traffic of the citizens of the said states;

Be it therefore resolved by the Senate and House of

RESOLUTIONS, &c.

Representatives of the State of Georgia in General Assembly convened, That His Excellency the Governor be required to correspond with the President of the United States, and the Governors of Alabama and Tennessee upon this subject, and to take such other preliminary steps and measures as may be deemed best calculated to effect this great and desirable object.

And be it further resolved, That a copy of this preamble and resolutions be transmitted by the Governor, to each of our Senators and Representatives in Congress, with an earnest request, to use their best endeavors, to have an appropriation made for holding of a Treaty or Treaties with said Nations of Indians early in the succeeding year.

Approved, 16th May, 1821.

In the House of Representatives,
Friday, 11th May, 1821.

WHEREAS Laird W. Harris and Hugh Lawson, who were appointed by His Excellency the Governor under a resolution of the last session, to survey two Districts of territory in the vicinity of the Oquafanoqua swamp, have performed their duty;

Resolved, That so soon as the said Laird W. Harris and Hugh Lawson shall make a return of their surveys aforesaid, to the Surveyor General, and the same shall be approved, and the amount due therefor, ascertained by the Governor and Surveyor General, the Governor be authorised and requested to draw upon the land fund for whatever sum may be found to be due as aforesaid.

Approved, 16th May, 1821.

In the House of Representatives,
Friday, 11th May, 1821.

WHEREAS it is represented that there is a considerable number of Lots in the several counties and districts in this state, which it was the intention of the Legislature should have been drawn for in the late Land Lottery, but which by some mistake or omission have not been drawn to the name of any person;

Be it resolved, That the Surveyor General cause a list of the Lots above described, to be made out and returned to the Executive Department by the middle of October next, that the same may be reported to the next Legislature,

Approved, 16th May, 1821.

In the House of Representatives,
Friday, 11th May, 1821.

WHEREAS it is represented that a number of names of for-

fortunate drawers in the late Land Lottery remain upon the manuscript lists in the Executive Department, which have not been published in the printed lists of the names of the fortunate drawers;

Resolved, That the Governor cause the names of all such persons as were fortunate drawers in the late Land Lottery, and whose names have not been published in any printed list, to be published at the time of publishing the land act, or at such other time and manner as may be considered best calculated to give notice to such fortunate drawers, and to prevent such persons returning their names for draws in the present lottery.

Approved, 17th May, 1821.

In the House of Representatives,
Saturday, 12th May, 1821.

The committee to whom was referred the Governor's Communication and accompanying letter from the Hon. J. C. Calhoun, upon the subject of leases made by the United States, of certain lots within the Fort Hawkins Reserve, having examined the references and the subject to which they relate, report the following resolution.

Resolved, That His Excellency the Governor be authorised and requested to appoint some fit and discreet person, with instructions to take the superintendence and control of all property within the Reserve at Fort Hawkins, and the like reserve on the opposite side of the river, which is properly under the control of the state. That he prevent the commission of waste upon the houses and lands and the improper management of the ferries. That such property be disposed of by rent for the present year, as may be convenient, without subjecting the same to injury.

Resolved further, That said Agent be furnished with the leases made by the United States, and that he enquire into the situation of the lessees, and the amounts due, and how secured, and that he make a full and minute report to the next Legislature in relation to the whole of said property, and that he be allowed such compensation as a future Legislature may direct.

Approved, 16th May, 1821.

In the House of Representatives,
Saturday, 12th May, 1821.

The Executive having been called on to lay before this House all the correspondence in the Executive Department relative to the late Treaty with the Creek Nation of Indians, together with a statement of the amount expended by the Commissioners on the

part of this state; and said information having being furnished from which it appears, that a portion of the contingent fund, upon the request of the Commissioners, was advanced by the Governor; and that the same was disbursed in bringing the Treaty and a provision for the payment of citizens claims to an advantageous and successful close;

Resolved, That such disbursement meets the decided approbation of the Legislature, and that our thanks be tendered to His Excellency the Governor, and our State Commissioners, Generals McIntosh, Adams and Newnan, for the firmness, perseverance, zeal and patriotism which they have displayed in the progress and termination of said Treaty. Our thanks are also tendered to Gen. David Meriwether and Maj. Daniel M. Forney for their agency in the negotiation, which terminated so favorably to the interests of Georgia.

Resolved further, That copies of this resolution be transmitted to Gen. Meriwether and Maj. Forney.

Approved, 17th May, 1821.

THE END.

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